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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/605,392	09/27/2003	Marko W. Pfaff	PL020002	2391
37621	7590	09/19/2005	EXAMINER	
PATENTS AND LICENSING LLC			BADI, BEHRANG	
DANIEL W. JUFFERNBRUCH			ART UNIT	PAPER NUMBER
28 BARRINGTON BOURNE				
BARRINGTON, IL 60010-9605			3621	

DATE MAILED: 09/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/605,392	PFAFF ET AL.
	Examiner	Art Unit
	Behrang Badii	3621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 06 July 2005.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 16-21 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 16-21 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 27 September 2003 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ . |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>7/6/05, 1/23/04</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Applicant's election with traverse of claims 16-21 (group II) in the reply filed on 7/6/05 is acknowledged. The traversal is on the ground(s) that the encoder is required by the decoder and the key used by the decoder can only be produced by the decoder. This is not found persuasive because these are two different processes, encoding and decoding and have been placed in different sets of independent claims and each of these sets of claims include different aspects such as digital rights client and digital right source. Further claim 1 includes a comparison of signatures which is different than claim 16 and 10. Claim 10 discloses a security parameter index portion identifying a secret and an identified algorithm to be used by a digital rights client for interpreting at least the digital signature portion which is different than claim 16.

The requirement is still deemed proper and is therefore made FINAL. A complete reply to the final rejection must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

Claims 1-15 and 22-27 are hereby cancelled.

Claims 16-21 have been examined. P = paragraph, i.e. p1 = paragraph 1.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 1 rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not

described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. As per claim 1, the limitation of "OLE-LINK1" was not supported by the specification.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 16-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pavlik, U.S. patent 6,807,633, and further in view of Ginter et al., U.S. patent application publication 2002/0112171 and Carter et al., U.S. patent application publication 2001/0021252.

As per claim 16, Pavlik discloses a digital rights source for encoding a digital rights key, the digital rights key having permission information; and a signature (abstract), the digital rights source comprising:

a digital signature calculation block operatively coupled to the selector to receive the selected security parameter index and to calculate a digital signature using the selected security parameter index and permission information;

and an assembler operatively coupled to the digital signature calculation block to assemble the digital rights key using the calculated digital signature and permission information (abstract; col.6, 15-36). Pavlik does not disclose an OLE_LINK or a selector

for selecting a security parameter index among a plurality of security parameter indexes. Ginter et al. discloses an OLE_LINK (p2203). Carter et al. discloses a selector for selecting a security parameter index among a plurality of security parameter indexes (p14). It would have been obvious to modify Pavlik to include an OLE-LINK such as that taught by Ginter and a selector for selecting a security parameter index among a plurality of security parameter indexes such as that taught by Carter et al. in order to select parameters which will be included in the digital signature such that the parameters selected will make the signature have a lower probability of being broken by unauthorized users.

As per claim 17, Pavlik further disclose wherein the digital rights key has permission information in clear text (electronic data) (abstract; col.6, 15-36); and wherein the assembler assembles the digital rights key using at least the clear text permission information; and wherein the digital signature calculation block calculates the digital signature using at least the clear text permission information (abstract; col.6, 15-36).

As per claim 18, Pavlik further disclose wherein the permission information of the digital rights key comprises a destination identifier (data originator) (abstract; col.6, 15-36); and

wherein the assembler assembles the digital rights key using at least the destination identifier (abstract; col.6, 15-36).

As per claim 19, Pavlik further disclose wherein the permission information of the digital rights key comprises a feature ID (personal identification number) and a number of feature units (abstract; col.6, 15-36); and

wherein the assembler assembles the digital rights key using at least the feature ID and a number of feature units (abstract; col.6, 15-36).

As per claim 20, Pavlik further disclose wherein the permission information of the digital rights key comprises a type designation; and wherein the assembler assembles the digital rights key using at least the type designation (abstract; col.6, 15-36).

As per claim 21, Pavlik further wherein the assembler comprises an XML encoder operatively coupled to the digital signature calculation block and to receive the permission information to provide XML tags surrounding the permission information and the digital signature to produce at least one digital rights key (col.5, 32-53).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Behrang Badii whose telephone number is 571-272-6879. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 571-272-6712. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any response to this action should be mailed to:

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

or faxed to (703)872-9306

Hand delivered responses should be brought to

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Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 3600 Customer Service Office whose telephone number is **(703) 306-5771**.

Behrang Badii
Patent Examiner
Art Unit 3621

*Behrang Badii
PRIMARY EXAMINER*

BB